

---

---

A D D R E S S

OF

HIS EXCELLENCY

HENRY J. GARDNER,

TO THE

TWO BRANCHES

OF THE

Legislature of Massachusetts,

JANUARY 9, 1855.

---

B O S T O N :

WILLIAM WHITE, PRINTER TO THE STATE.

1855.



Digitized by the Internet Archive  
in 2017 with funding from

This project is made possible by a grant from the Institute of Museum and Library Services as administered by the Pennsylvania Department of Education through the Office of Commonwealth Libraries

## A D D R E S S .

---

*Gentlemen of the Senate  
and of the House of Representatives :—*

That gracious Being, in whose hands are alike the destinies of individuals and of nations, has permitted us to assemble this day, intrusted with grave responsibilities and duties. While we remember that through His providential care and guidance our ancestors were enabled to establish on these shores the principles of Religious Freedom, and through His instrumentality also our revolutionary forefathers were permitted to secure the added boon of Civil Liberty, may we earnestly and fervently trust that we shall be aided by His wisdom so to deliberate and act that these unspeakable privileges may be transmitted unimpaired to those who shall come after us.

The year just closed has been an eventful one. Shipwrecks beyond a parallel, the ravages of pestilence, the partial failure of the harvests, commercial revulsions and gigantic financial dishonesty, have signalized its calendar. To these must be added a wanton violation of a solemn national compact, and, last of all, that most terrible of

evils,—carrying in its train every minor one,—war, between the most powerful monarchies of Christendom ; its cause indefinite, its horrors only real, its results beyond the power of prediction.

We should be profoundly grateful that, while the wise Ruler of the Universe has permitted such calamities to befall others, we have been spared. Peace and plenty have again been vouchsafed to Massachusetts. Her public health has been preserved, her harvests blessed, her churches, schools, and charities, and the various branches of her mechanical and commercial industry, largely prospered.

A time-honored custom requires the Executive, at the commencement of the political year, to present his views and recommendations to the Legislature. Convened as you are in accordance with the requirements of the 22d article of the Bill of Rights, which declares that you “ought frequently to assemble for the redress of grievances, for correcting, strengthening and confirming the laws, and for making new laws as the common good may require,” I have every confidence that you will perform those duties by honest, thoughtful and wise legislation ; honest, and therefore not for a party, but a people ;—thoughtful, and therefore, while protecting the rights of the whole, invading the privileges of none ;—wise, and therefore not for a year, but for generations.

The most prominent subject before our State and Nation at the present moment, and that which most naturally commends itself to-day, and in this place, to our attention, concerns our foreign population ;—the duties of republicanism towards them, its dangers from them.

The immigration to this country was—

From 1790 to 1810,	.	.	.	120,000
“ 1810 to 1820,	.	.	.	114,000
“ 1820 to 1830,	.	.	.	203,979
“ 1830 to 1840,	.	.	.	778,500
“ 1840 to 1850,	.	.	.	1,542,850

And statistics show, that during the present decade from 1850 to 1860, in regularly increasing ratio, nearly four millions of aliens will probably be poured in upon us.

With this alarming decennial ratio of increase,—with the astonishing statistical facts that nearly four-fifths of the beggary, two-thirds of the pauperism, and more than three-fifths of the crimes spring from our foreign population,—that more than half the public charities, more than half the prisons and almshouses, more than half the police and the cost of administering criminal justice, are for foreigners,—the people demand of their statesmen, and wise statesmanship suggests, that national and state legislation should interfere to direct, ameliorate and control these elements, so far as it may be done within the limits of the Constitution.

The times are peculiarly propitious for the development of this great American movement by the united action of the whole people. In the gradual disruption of the great parties, whose struggles constitute our political history; in the general resolution of these bodies into their individual elements; when old issues are obsolete or dying out, the individual, freed from the tyranny of party, naturally reverts to the great primary principles of our government, and to the sentiments and purposes of its founders. The remarkable spectacle presented to the eyes of our people,

naturally and wisely jealous of their nationality, of a foreign immigration in the ten years from 1840 to 1850 outnumbering the whole previous influx since the organization of the republic, progressing too in an equally increased ratio since the latter date, and probable European convulsions threatening a steady augmentation of this flood, tend naturally to attract and bind together the people in one united national, not party, movement.

It is a great problem in statesmanship wisely to control the mingling of races into one nationality. The dominant race must regulate the incoming class. Such is political destiny, and history proves it. It is the only salvation of both. It is the compact of the incoming race. Legislation must coöperate with time and circumstances in working out this decree of God, this axiom of political philosophy, this theory of nationality.

To dispel from popular use every foreign language, so great a preserver of unassimilating elements of character—to print all public documents in the English tongue alone—to ordain that all schools aided by the State shall use the same language—to disband military companies founded on and developing exclusive foreign sympathies—to discourage imported political demagogues, the broken-down leaders of insular agrarianism or continental red republicanism, whose trade here is to put themselves at the head of their deluded countrymen, to organize prejudice, to vitalize foreign feeling and morbid passion, and then sell themselves to the highest partisan bidder—to purify and ennoble the elective franchise—to adopt a carefully guarded check-list throughout the nation—to cultivate a living and energetic nationality—to develop a high and



vital patriotism—to Americanize America—to retain the Bible in our common schools—to keep entire the separation of church and state—to nationalize before we naturalize, and to educate before either—to guard against citizenship becoming cheap,—all these constitute a work transcending the ordinary platform of party, and ranking with the great movements that originally found nations.

It has been said the times are propitious for the successful prosecution of this great work. All who are friendly to these vital measures should remember that, if they fail now, they are lost during this generation, perhaps forever. Unanimity of purpose among their advocates, and a patriotic sacrifice to duty of partisan attachments, alone are needed to insure success.

The prodigality with which citizenship, and its franchises, are lavished upon foreigners in this country, clearly tends to lower the tone of American feeling, to cheapen the value set upon its privileges, and to deaden national spirit and the pride of country. Neither the policy of other nations at present, nor the recorded experience of the past, affords us any parallel, and scarcely an analogy.

In the elevation and splendor of Athenian power, says Chancellor Kent, the privilege of citizenship was considered so distinguished a favor, that it was granted only by special decree of two successive assemblies of the people, and then alone to signal worth and reputation. In the times of the earlier Cæsars the freedom of the city and empire was given with a sparing hand; but the line of degenerate emperors succeeding, corrupted and destroyed this salutary jealousy of the right of citizenship, by extending it first to the whole of Italy, and finally to

the entire empire, composed as it was of an aggregate of subjugated kingdoms, until the national blood was tainted, the distinctive national prejudice and spirit were dissolved, and the state perished under a horde of foreign barbarians, whose warlike invasion affords almost the only historic parallel in number to the peaceful and insidious foreign influx to our shores at the present day. In England, the most liberal of the present European governments, citizenship is conferred only by special act of Parliament. In the Continental nations there are still further limitations, or a total prohibition.

When we witness the profuse liberality with which the sacred right of citizenship is bestowed among us, the slender guards that exist against its unworthy or fraudulent gift, and the great interests in the hands of those who receive, as well as those who grant it, we should pause and calmly consider the possible consequences.

To a Republican Government, there is necessarily cause for greater alarm than to others. Here the adopted citizen is invested with both the right of choosing and being chosen to office. Not only must he be an elector, but he may be, and often is, an officer. Every additional naturalization tends to denationalize, to Europeanize, America. The universal record of History teaches that all republics that have risen and fallen owe their destruction to foreign influence, unseen at first, permitted till too strong for resistance, at last fatal.

The danger of foreign influence was keenly felt by the early fathers of the Republic. Washington, in language befitting alike the gravity of the subject and his own sagacious statesmanship, repeatedly warns his countrymen to



beware of it. The writings of nearly all his distinguished contemporaries, of every shade of political sentiment, contain similar counsels. This was at a period when ships were comparatively few and small, steamers unknown, and practically the old world was quadruple the distance from us it is now; at a time too when the stream of immigration was almost imperceptible in comparison with the ocean-like tide that sets in upon us to-day; at a time also before the alien element in our elections had become so important that the foreign vote had been bartered for office and honors, and now on this side, and now on that, had once and again decided who should rule the destinies of the American Republic.

Time does not permit me to quote the names of the long line of distinguished statesmen who have given utterance to similar sentiments, as this danger has more clearly developed itself during the half century since intervening, but I cannot forbear mentioning the authority and words of our own Webster. He said more than ten years since, in Faneuil Hall, and in the presence of some who now hear me, "There is an *imperative necessity* for reforming the Naturalization Laws of the United States."

Were those patriots with us to-day, could they witness the more imminent danger now existing, we feel assured that their voice of warning would be raised with redoubled earnestness.

Acting then on my conviction of duty, I express the opinion, that the people of our Commonwealth believe our rights, privileges and liberties are endangered by these causes, for a long time seen, but yearly growing more alarming. They distrust foreign influences nursed in cus-

toms and creeds antagonistical to republicanism, venal voters controlled by alien leaders for office and honors, ignorant voters misled by designing politicians for place and power, vicious voters bought by promised impunity and license for their wrong doings.

The alien born who has lived among foreign customs and institutions, however honest and well disposed, cannot be competent to enter into the spirit and comprehend the genius of our institutions like one born and educated amid them. No native citizen can vote for his civil rulers, except in the few cases of temporary absence from the country, until he has lived twenty-one years under the blessings and influences of our system. He must become not only familiarized with its workings, but aware of its value. This period of life being one when the intellect is most active in acquiring information, and the faculties most facile to adapt themselves to the circumstances around them, the whole time is spent, not in eradicating old theories and preferences, but in acquiring new ones.

To the alien all this is different. He comes here at a later age, with perceptive powers less acute, opinions formed, judgment already biased by the intellectual, political, social and religious influences of his native land. Too frequently also the want of early education, and the necessity of unremitting toil, preclude those opportunities of instruction and habits of thought that our common schools afford to all who are born within the circle of their influence. Looking only to the proper educational training necessary to duly appreciate the workings of our government, it is important that at least the same period of

apprenticeship and probation should be required of the alien as of the native voter.

To remedy the evils referred to is a cause alike glorious and permanent ; glorious, for in defending the fundamental principles of our Republic we must be co-workers with those who laid its corner stone ; permanent, because our greatest evils and dangers can only be reached through the national government, and after a protracted struggle, and the remedy once applied must be rigidly and constantly enforced.

Legislation for this purpose is not influenced by prejudice against the foreigner, but rather by the truest regard for his as much as our own interests, and those too of his and our descendants, whose common birthright will be citizenship. Leaving the old world of his own volition, because he can here find a happier and better home, and because the old world's religious and political and social systems, with their temporal and spiritual shackles upon body and mind, kept him impoverished, without a decent home, sufficient food, comfortable clothing, or means of education for himself or children, he gladly flies to these shores, where he is told education and land are public gifts, and every necessary of life is as certain to the industrious as is personal protection itself.

Coming as he does, then, because our civil, social and religious systems are better than his own, let him freely avail himself of all the blessings his industry and our laws can give him ; but we must insist that we ourselves shall continue to administer those laws untrammelled, according to our own judgment and the example of our fathers.

The laws of Congress, which give any clerk or inferior police justice the right of investing the alien with the high immunities and dignity of American citizenship, in secret, at unknown times and places, by reading a declaration the alien does not comprehend, on testimony often a mockery of sworn evidence, on oaths administered in a manner not considered obligatory, should be fundamentally modified. The practical operation of the present machinery for naturalization is a blot upon judicial proceedings, and a depreciation of the dignity and value of citizenship.

A few select, public naturalization courts should be established in the greater centres of the foreign population,—a judge, or commissioner, of tried integrity, should preside in each,—a public officer be appointed to inquire into and sift all applications,—its sessions should be public and at stated times,—hearings on application notified beforehand,—and the whole process conducted with stringent care and guarded with the strictest circumspection.

I recommend to the Legislature to consider whether any thing may be constitutionally done to apply these principles to the clerks of our State Courts and to our Police Courts of Record.

Three of the most vital principles of a Republican Government are Spiritual Freedom, a Free Bible, and Free Schools. With these we cannot fail to have independent, upright and intelligent voters, and they necessarily insure a just, impartial and wise government. With their opposites, Spiritual Despotism, a Fettered Bible, or, more probably, no Bible at all, and Sectarian Schools, our liberties would exist but in name, and very soon but in history.

Recognizing, to its fullest extent, the right guarantied to every one in the Preamble to the Constitution of Massachusetts of “worshipping God in the manner and season most agreeable to the dictates of his own conscience,” deeming it the most sacred right that can be granted to man, the determination to protect that privilege in all its purity is a cardinal doctrine of truly American statesmanship.

But, while no religious denomination, as such, should be opposed, every citizen should earnestly withstand the intrigues of those who would pervert the church to political purposes, and should protest against the union of church and state, or the subordination of the state to the church. The state should protect all churches, and not one church control, or attempt to control, the state. Spiritual despotism is antagonistic to the principles of individual and public liberty. An alien may forswear his allegiance to the foreign potentate, and may take the oath of allegiance to his adopted country; but, when he has been taught as the fundamental truth of his religion that spiritual obligation overrides mere temporal and civil obligation, that his duty to his church is higher than his duty to the state, the danger and probabilities are, that he will use the privileges of a voter, not primarily for the benefit of the state which granted them, but of the church, which in his judgment is supreme above the state.

Believing these dangers and probabilities real, it is a solemn duty so to restrict alien franchise, that, while entire toleration is granted others to worship their Maker according to the dictates of their own judgment, we pre-



serve the same right to us and ours untrammelled and unendangered.

The present European immigration is deeply prejudicial to the fair remuneration of American labor. The mechanic, the artisan, the agriculturist, daily suffer from its influence. There is no statement in political ethics more palpable or fundamental than that honest industry should receive its due reward. Those who hourly feel the oppressing competition of alien labor, depreciated under the taskmasters of the old world, and schooled in the self-denials and modes of existence there so universal, properly believe that their own as well as the interests of the Republic demand that their elective franchise should be exercised for the protection of American labor.

In the series of privileges and duties granted a legislator, none is more important than the opportunity to dignify and ennoble labor,—none either is more frequently overlooked. The corner stones of the American Republic are, the birthright of suffrage, universal education, religious freedom and protection to labor.

The report of the Secretary of the Treasury, recently transmitted to Congress, shows that our imports, during the past year, have exceeded our exports twenty-six millions of dollars. The profits on our exports and freights during that period have reduced, in a trifling degree only, this enormous balance of indebtedness. Thirty-eight millions of dollars in gold—over nine-tenths of all our receipts from California during the year, as officially reported—have simply passed through the country, in transitu, and have been shipped away to pay for imported products.



of European labor, and the interest on our European debt. This vast sum should have been kept here as a basis of healthy business, and as a more general substitute for small bank notes, our present circulating medium.

Had this golden gift of Providence been retained at home to enrich the American artisan and tiller of the soil, instead of having been squandered to purchase foreign luxuries and the products of alien labor, we should this day, as a nation, doubtless have enjoyed prosperity in every branch of industry, instead of the threatened depression and distress which now alarm the community.

Our remedy is not so much in legislative enactments and tariffs as in cultivating a feeling of patriotic nationality, and an united determination to encourage the skill and industry of the American laborer, by consuming the home products of the shop, the factory and the field, in preference to imported fabrics and foreign productions, which result must be the inevitable sequence of a truly American sentiment pervading our nation.

The tax-payer, when called upon to contribute from his well-merited earnings for the support of suffering pauperism and crime, will, and of right should, investigate their causes. When he finds our State Almshouses now contain two thousand foreign paupers, our State and County Lunatic Asylums eight hundred alien insane, our States Prison, Jails, and Houses of Correction, over six thousand five hundred foreign inmates per annum, as shown by the returns and estimates for 1853, a large proportion of whom were shipped here at the expense of foreign authorities, to relieve their native countries from their

support, or from their crimes, and that this vast alien army is supported by Massachusetts at an annual expense of three hundred thousand dollars, he will scarcely believe his honest desires to correct these gigantic evils are occasioned by prejudice, are unauthorized or unjust.

It has been stated that many of the evils and dangers referred to are within the exclusive province of national legislation. Others, however, can be averted through the agency of the State government. If this duty is left unfulfilled, or but partially accomplished, we neglect a great responsibility intrusted to us.

Massachusetts, since the days of the Revolution, has been accustomed to be among the foremost in all measures of rational progress. She is once more permitted to take the lead in that legislation believed necessary to perpetuate religious and civil privileges, both initiated within her boundaries, the one on Plymouth Rock, and the other upon the battle field of Lexington.

I recommend, then, to the careful consideration of the Legislature, the following measures:—

1. That amendment to the Constitution, which last year passed one stage of enactment, prohibiting the diversion of the educational funds of the State to the establishment or support of sectarian schools.

2. The power to repeal or modify the naturalization laws is confided alone to the Congress of the United States; but while Congress naturalizes, each State for itself prescribes the qualifications of all voters within its limits, for National as well as State officers. I recommend, therefore, an amendment to our Constitution, prohibiting the exercise of the elective franchise to all of

alien birth, qualified by naturalization, till they have resided within the United States twenty-one years.

3. As a common school education, or its equivalent, is necessary to rightly understand the duties, and to be competent to properly appreciate the privileges, of a freeman, I recommend a further constitutional provision, to the effect that no person shall be permitted to vote who cannot read and write the English language.

4. I recommend an amendment to the Constitution, so that no person shall be eligible to any office in the gift of the people who shall not be a legal voter in accordance with the previous suggestions.

5. The honor of the American Flag should be confided only to those who are born on the soil hallowed by its protection: they alone can justly be required to vindicate its rights. One of my earliest official acts then will be, if sanctioned, as the laws require, by the advice and consent of the Executive Council, whom you will select, to disband all military companies composed of persons of foreign birth.

6. I recommend to your consideration the expediency of exempting all alien citizens from military duty. If, in your wisdom, this should be deemed insufficient to meet the designed object, I recommend forbidding by law payment of the State bounty to any military company which has enrolled among its members persons of foreign birth.

7. It has already been stated that two thousand paupers, of alien origin, are this day in the State Almshouses, and eight hundred foreign idiots and lunatics are occupants of the State Insane Asylums, or supported by the Counties, at the expense of the Commonwealth. Every

kindness that our common humanity and Christian precepts dictate, should be shown these poor unfortunates. At the same time, it is clearly our duty to protect ourselves against the custom, hardly to be credited, were it not proved to be systematically adopted by foreign authorities, which empties upon our shores the workhouses and hospitals of the old world. Providence seems to ordain that we should provide for those, who, capable of self-support, immigrate voluntarily, but meet with misfortune or calamity here. Those, however, whom cold-hearted cruelty or miserly calculation ships here, should, without exception, be returned with humanity to their own country.

The law of 1792 provides that any justice of the peace may cause this to be done. We need legislation that shall make this duty imperative, not merely permissive, and that shall place it in the hands of the proper officers. To a small extent, the present law has been acted on; but those who are best competent to judge are of the opinion, that, if it should be amended, so as to make it the duty of the selectmen or overseers of the poor of the several towns, under suitable penalties, to send such persons to the Board of Commissioners of Alien Passengers at Boston, and to require that Board to return them to the country from whence they came, we should soon be relieved from the charge of one-half the inmates of our State Almshouses. Moreover, if it is known that we systematically return all who are thus thrust upon our sympathies, the cruel custom of sending them hither will doubtless soon cease. The average expense of supporting an alien pauper is not far from sixty dollars per annum; the cost of sending them

to Liverpool, whence most of them come, would not exceed twenty dollars each, including a comfortable outfit.

8. The Board of Alien Commissioners now consists of the Alien Passenger Agent, the Auditor, and one member of the Executive Council, and its annual gross receipts are about fifty thousand dollars. Practically its duties fall on the first named. They are too onerous and too responsible to be intrusted to any one man's hands. The last Alien Passenger Agent fell a victim to the labors and exposures of his office. The present one is often called on to toil fourteen or sixteen hours per day. There are confided to his sole judgment and faithfulness the power of demanding or dispensing with heavy bonds of indemnity, and of adjusting the commutation tax thousands of dollars higher or lower on a single cargo of immigrants. A reorganization of this Board is recommended, causing it to be composed of persons solely devoted to its duties, and acting as a check on one another.

9. The question as to the best method of caring for our alien paupers is one of great moment. Until May last, all paupers unable to labor, and having no settlement within the State, were taken charge of by the various towns where they happened to be, which towns received from the Commonwealth forty-nine cents per week for adults, twenty-eight cents for children, and an additional discretionary remuneration for lunatics and those sick with contagious diseases. Three years ago the Legislature decided to change the system, and to erect State Almshouses, where all alien paupers should be sent and provided for at the cost of the Commonwealth. In May, 1854,



the buildings, four in number, were ready for occupancy and the change took place.

The chief benefits of the new system are, the separation of foreign paupers from our own American poor, and the avoidance of constant conflict between the town and State authorities as to the amount of compensation, which led to numerous appeals to the Legislature, and the waste of much of its valuable time. Its greatest defect, besides the large outlay for the necessary lands and buildings, is the greatly increased cost to the State of supporting their inmates. The expense to the community, however, may not be greater now than before. The additional cost, beyond the per capita paid by the State, fell on the towns formerly, but now the State Treasury sustains the whole. Without deciding the question whether the change was, on the whole, desirable, concerning which there is great difference of opinion, it is certain that the new system should now be fairly tested. It is also our present duty to see if any legislation is needed to improve or economize the new plan. The Reports of the various Boards of Inspectors will be laid before you at an early day, and will doubtless contain valuable suggestions.

The cost of the new Almshouses has been \$241,758. The edifices are poorly built, badly ventilated and heated, faulty in their plan of construction, not provided with a needful supply of water, and, unless a very considerable outlay is made on them, will be in a short time in a ruinous condition. They are no credit to the State. They have no suitable workshops, and from twenty to thirty stoves and furnaces are situated in each main building, rendering the danger of fire very great.



Industry should be rigidly enforced on all who are able to perform even the lightest species of labor, both for the benefit of the inmates, and to reduce the cost of their support; whether agricultural or mechanical industry should mainly be attended to, the Legislature will determine. Sufficient workshops should be provided, and separate buildings for cooking, the fire of which might be sufficient for laundry purposes; and to heat the main edifices by steam, might perhaps prove true economy. No one can think of a conflagration breaking out in one of them, filled with six or eight hundred persons, many of whom are aged, sick, lame or blind, without a shudder.

The average cost per week to the State under the old system was about forty cents for each person; but, for the first seven months under the new, it has been nearly three times that sum. The most rigid economy should be insisted on, enforced by every check and restriction your wisdom may deem desirable. Every advantage of the market should be taken in purchasing supplies; and I suggest for your consideration, whether advertising for proposals or the appointment of a purchasing agent for all the State Institutions might not be desirable. There is reason to believe that the average cost per week has been considerably enhanced by circumstances natural at first, and that it can be hereafter materially reduced.

But partial means of information have been within my reach during the limited time at my disposal. I have plainly spoken my present convictions; and it is but just to add, they may be modified by further investigation. I renewedly commend the whole subject of the support and occupation of the alien paupers to your especial attention.

Your judicious but decided action on the important subjects thus briefly stated will necessarily be felt beyond the limits of Massachusetts. It will affect the legislation of other States, and to some extent, probably, influence the proceedings of Congress itself. We wish our army Americanized, our navy Nationalized. We wish the restriction as to birth, now applicable to the office of President, extended to members of the Cabinet and of Congress, to the Judges of the Supreme Court, and to all our diplomatic representatives abroad. We desire a vital amendment of the naturalization laws, and an uniform requirement of twenty-one years' residence in the United States before the elective franchise is conferred upon aliens. We wish stringent national laws regarding immigration, the imposition of an uniform and sufficient capitation tax, and the universal deportation of criminals and paupers shipped to our shores. These and other reforms can only be consummated through an American President and an American Congress. Your harmony, judgment, and firm adherence to principle, must needs have no inconsiderable influence in hastening this result.

The question of temperance will naturally receive your deliberate consideration. The evils of intemperance force themselves on the attention of every statesman. They appear at the bar of our courts, they cry aloud from our prisons, jails and hospitals, and the wailings of our lunatic asylums are their voices. They drain our treasury, and swell the long catalogue of pauperism and suffering. They are universally recognized as a legitimate object for legislation. They claim the deep attention of the lawgiver, as well as of the philanthropist.

Our Supreme Court, a tribunal that has the just confidence of all, having pronounced unconstitutional some provisions of the present anti-liquor law, such sections should not longer remain on our statute book. Every citizen of the State, probably, concurs in the wish, that they be either repealed or amended.

Coming, as you do, fresh from the people, your deliberate conclusions will doubtless be a fair criterion of their wishes. Whatever measures you may perfect to prevent intemperance and check pauperism and crime, and which are deemed constitutional by myself and the officer whom the laws of the Commonwealth have provided as my legal adviser, shall receive my unhesitating sanction.

In defiance of the principles asserted by the dominant national party in their last Presidential Convention, in disregard too of the pledges of the President in his Inaugural Address, sectional issues have been reopened by the wanton violation of plighted national faith on the part of Congress and the Executive, in the repeal of the Missouri Compromise, which fixed a northern limit to the extension of slavery. The first result of this pernicious action was to shock the moral sentiment of the community, and to excite fears that all constitutional and legal barriers against the diffusion of this acknowledged evil would, from time to time, be swept away. It has moved men's minds at the North to an extent no other political occurrence has done within the memory of the present generation. Its ultimate effect will and should be, to determine us, by the consideration of every sacred and holy duty, to manfully demand the restoration of this broken compact, and to

jealously guard each and every right that belongs to Massachusetts.

While we acknowledge our fealty to the Constitution and the Laws, the oft-repeated cry of disunion heralds no real danger to our ears. While we honestly concede the common duties evoked by the articles of confederation, we will preserve inviolate the State Rights retained for each sovereign member of that confederacy. With fraternal feelings to all her sister States, and filial devotion to their common parent, yet with acknowledged rights and a determination that they be maintained, there stands Massachusetts.

Of those rights, the two cardinal ones are, the Habeas Corpus and the Trial by Jury. It is submitted to your deliberations, whether additional legislation is required to secure either of these to our fellow-citizens. Scrupulously avoid such action as asserts or looks to the maintenance of any rights not clearly and constitutionally ours, but weave every safeguard you justly may round those primal birthrights, older than our national birthday, and dear as its continued existence.

The financial condition of the Commonwealth is not a flattering one. The following is an approximate statement of the Expenditures and Receipts for the past fiscal year, which will be presented in accurate detail in the Auditor's Annual Report:—

#### EXPENDITURES.

Legislative and Executive Department,	\$354,398 00
Scientific and Educational purposes, .	20,686 00
Interest on Debt, . . . . .	100,625 00
Charitable and Humane purposes, .	236,652 00

Correctional and Preventive purposes, .	\$170,355 00	
Military, . . . . .	67,489 00	
	<hr/>	\$950,205 00

## ORDINARY REVENUE.

Bank Tax, . . . . .	\$525,868 00	
Alien Passenger Receipts, . . . . .	50,000 00	
Western R. R. Sinking Fund and Dividends,	119,696 00	
Cash on hand at commencement of year, .	13,410 00	
From sundry other sources, . . . . .	9,308 00	
	<hr/>	718,282 00
Annual ordinary income, exclusive of State		<hr/>
Tax, short of expenditure, . . . . .		\$231,923 00

The following items may be regarded as extraordinary expenditures:—

Convention Expenses, . . . . .	\$11,205 00	
New Lunatic Hospital do., . . . . .	10,000 00	
Malden Bridge, . . . . .	9,000 00	
	<hr/>	30,205 00
Leaving still a deficit of—say . . . . .		\$201,718 00

The action of the last Legislature, for the purpose of increasing the School Fund to a million and a half of dollars, will, in effect, diminish the annual income of the State, heretofore applicable to meet its current expenses, about fifteen thousand dollars.

The cost of supporting the State Paupers for the year ending November 1st, 1853, was \$100,750, which amount, under the old system, has been paid to the towns during the past year. But, owing to the new plan adopted, the cost of supporting the same paupers in the new almshouses, for the year 1854 in part, amounting to \$80,890, has also been paid from the treasury during the past year.



This fact will not materially vary the above estimates however, as, during the year upon which we are now entering, we must pay to the towns the expense of supporting these paupers from November 1st, 1853, till the period when they were removed to the State Almshouses, in May, 1854. as well as the cost of their support in these almshouses, from month to month, during the current financial year.

On looking over the schedule of receipts, the Bank Tax alone seems likely to produce additional revenue. This, under charters granted last year, may possibly be increased to the amount of \$20,000. It is not probable the present wants of the community demand additional banking capital, and it is to be hoped that no more charters will be granted.

I commend to your close examination the items of the other and larger column. Introduce into every branch of expenditure rigorous and minute economy; remembering, however, that parsimony is not true economy in fostering the noble and Christian, charitable and humane institutions of Massachusetts.

On examining this list, there is one item especially that can be, should be, and the people expect will be diminished, and that is the expense of the Legislature. Whatever additional cause of grateful regard the session of 1855 may bring to our constituents, let it have the special merit of being a working and a short one.

The public lands of Massachusetts, situated in Maine, were sold over a year ago; and I recommend the abolishment of the office of Land Agent. The nominal duties pertaining to the post can be transferred to the Auditor,



or one of the other Heads of Departments, and the salary be saved to the State.

A large and increasing annual expenditure of money is made to various Commissions created by the Legislature. In many cases, the duties performed are not commensurate to the price charged. It is hoped no commission will be created that is not indispensable, and perhaps the Legislature can safely terminate some now in existence. I earnestly recommend that in all cases hereafter, where commissions are created, and the amount of labor can be approximately estimated, the Legislature will fix in the Resolves the specific sum that shall be paid each Commissioner. The system of per diem pay should be avoided.

The last Legislature initiated a series of amendments to the Constitution. They were finally agreed upon, and passed by the united voices of able and influential men of all parties there represented. Some of them, by themselves alone, would perhaps have failed of the requisite majority; but, as a whole, they were deemed just, fair, and demanded by the popular desire. In this opinion I concur, and recommend them, as a body, to your favorable judgment. If approved by you, they can either be submitted to the popular vote at the March town meetings, or postponed till the next annual election. If the first course seems preferable, you can mature the necessary legislation, to take effect only in case these amendments receive the sanction of the people.

The repeal of the usury laws is believed to be desired by the business community. The notorious violation of any law serves only to create disrespect for all. Honorable men are deterred from lending money at its real value,

on personal security, when contrary to law; and a portion of the funds of the community being thus diverted from this channel, men less scrupulous obtain a higher rate from the borrower. There is little doubt but that the repeal of these laws would reduce the price of money. Then, too, the borrower can meet the lender face to face, and make an open bargain, without resorting to the agency and cost of a third party, to avoid infringement of the letter of the law. The usury laws have recently been repealed in Great Britain, and the question will probably soon be favorably considered in various States of the Union. In my judgment, the change here should be made in such a way as not to affect loans on mortgage. With that view I recommend the repeal of the usury laws now in force, so far as they apply to negotiable paper having not exceeding eight months to mature.

Our existing law, in arrests on mesne process, and commitment on execution, imprisons for debt without a trial as to the question of property, leaving the debtor to swear out, making imprisonment precede judgment, and practically presuming the debtor to be guilty of fraud until he proves himself innocent. These provisions are unjust, and should be done away with; though some process should be provided whereby the fraudulent debtor may be subject to examination regarding his property, and be compelled to apply it to the payment of his just debts.

To accomplish these purposes, the creditor might be required to make oath that he believes the debtor to have property fraudulently concealed, which he fails to apply to the payment of his debts, and to have a summary hear-

ing or trial on this charge immediately after the arrest on the writ, and before the commitment on execution. If convicted, the debtor is imprisoned, not for debt, but for fraud; and imprisonment for debt, so justly odious, is entirely abolished.

If a statute be enacted, embodying these provisions, it might be well to place the business in the hands of Commissioners, appointed for the purpose, instead of leaving it to the justices of the quorum, who now conduct it. The number of persons committed to jail for debt, and in civil suits for tort, in Suffolk County alone, is seven or eight hundred annually. In the large number of arrests in suits for tort, much oppression exists, and arrests for slander especially might safely be abolished.

In cases of insolvency, wages for labor are now preferred claims to the amount of twenty-five dollars if the work was done within sixty-five days before insolvency. The amount preferred should be larger, and the time longer. If a merchant fails for millions, his clerks and laborers take a dividend on their wages due above twenty-five dollars. So do the operatives in a manufacturing company. This is not only hard, but unjust. Business men, when they sell on credit, allow for the risk. The chance of loss enters into the calculation of the price to be charged. No such idea influences the wages of labor. The business creditor would not feel the difference in his dividends, nor object to the laborer's being paid in full, while it is a matter of vital importance to the workman.

Frequent complaints are made regarding the inefficiency of the mechanics' lien law. I would suggest to your con-

sideration the expediency of amending it so as to render it more effective in its working, in order that the laborer can avail himself more readily of its advantages, and at the same time the rights and interests of contractors and builders be more clearly and surely secured.

Within the past year, frequent frauds have been committed by making over-issues of stock in corporations. Eminent legal authorities appear to be undecided in regard to the precise nature and denomination of the offence; and in this uncertainty offenders have escaped without punishment. To affix a suitable penalty to such frauds seems to be an appropriate case for legislative action.

No law at present exists giving holders of bills of insolvent banks a prior claim over other creditors. It is very desirable our currency should be rendered as safe as practicable. It is the duty of a depositor to ascertain the solvency of any bank he intrusts with his property; but the bill-holder, often at a distance, a laborer or a female, trusts solely to the law for protection. What the State permits as currency they confidently take, assured that the law will protect them in so doing by all just enactments. I commend the question to your consideration.

While making these suggestions, it seems necessary to add that one great fault in modern legislation is constant alteration and amendment in statute law. Even those whose province and sole business it is to expound the law can hardly keep pace with the annual changes, while the majority of our citizens are necessarily in ignorance of, and uncertainty as to, fundamental enactments which concern even their immediate occupation. No statutory

change should be made that experience does not clearly demonstrate to be necessary.

I turn with pleasure to the agricultural interest of the Commonwealth, an interest so intimately connected with every other, and of such importance to them all, that its prosperity is the foundation of the welfare and wealth of every state. As early as 1792, the Massachusetts Society for the Promotion of Agriculture was founded, and in its example and liberal donations to the county societies, still exerts a highly valuable influence. The Society of Middlesex Husbandmen was established in 1794, and others have since been formed, till now the bounty of the State is supplied to seventeen associations. In 1852 the State Board of Agriculture was organized. The Governor, Lieutenant-Governor, and Secretary of State, are ex-officiis members; three persons are appointed by the Governor and Council, and the remainder of the Board consists of delegates, mostly practical men, from the several county societies.

In March last, the Trustees of the State Reform School transferred the management of the State Farm at Westborough to the Board of Agriculture, and subsequently the Legislature appropriated the sum of six thousand dollars for the purpose of commencing the contemplated improvements. A detailed report of the operations of the Board will soon be laid before you.

In the same spirit of enlightened liberality which has heretofore fostered this important art, and encouraged the people in its prosecution, you will doubtless consider the subject, and I trust such judicious aid will continue to be afforded as will enable the Board to carry out the plans



they have already commenced. These may include eventually the opportunity for a portion of our youth not only to obtain that practical knowledge of agriculture which will qualify them for the employments of the garden and the field, but also to acquire the scientific principles and practice indispensable to a successful pursuit of the higher branches of the art.

According to the returns in the census of 1850, the aggregate value of the farms, stock, implements and products in the Commonwealth, on the first of June of that year, was more than *one hundred and forty millions of dollars*. It is believed this sum, large as it is, will be gradually increased by superior modes of culture.

The skill and wisdom of the mechanic have also kept pace with our progress in agriculture. His active genius has devised, and his industry constructed, numerous implements and machines which supersede a vast amount of human toil, and give to the products of the soil in many places a new value. They also increase the worth of our lands, and enable us to supply, in larger degree, the wants of those engaged in other occupations. Of all her various branches of mechanical industry Massachusetts is justly proud.

Under the fostering aid of the State Bounty, the Military of the Commonwealth are in a prosperous condition. There are on file in the Adjutant-General's office applications for about thirty companies more than are authorized by law—unless, in accordance with a recent opinion of the Attorney-General, the present number may be somewhat increased. Some judicious military organization should exist in every Republic, for the defence of its liber-



ties and rights. Experience and prudence alike dictate this course. We need no standing army with the germinal seeds of an efficient volunteer militia sown in our midst. A standing army becomes the mere machine of the dominant authorities, while the volunteer soldiery unite the skill of the tactician to the enlightened sentiment and feeling of the citizen.

During the past year our educational system, in all its various branches, has quietly but constantly exerted its beneficent influences in dissipating the mists of ignorance, and unfolding to the youth of our State a heritage more valuable and enduring than material wealth. Our schools, we are confident, will continue to prosper while in them are inculcated the great lessons of morality and Christianity drawn from The Book which for more than two hundred years has been read in them by successive generations.

When the Reports of the Heads of Departments and of the various Commissions now in existence shall have been received and are transmitted to you, I shall avail myself of the opportunity of making any suggestions concerning our reformatory and charitable institutions that further acquaintance with their affairs may seem to demand.

The last Legislature passed Resolves for the establishment of a Reform School for Girls. The sum of twenty thousand dollars, required therein to be raised by private subscription, has been obtained, and commissioners appointed to select and determine its location, and to prepare plans and estimates for the necessary buildings. Twenty thousand dollars additional were appropriated from the

State Treasury, for the purposes of this institution, and further legislation will be required at your hands when the Report of the Commission is presented.

Another Commission was also appointed by the same Legislature to consider and report whether any material alterations and additions are necessary in the Lunatic Hospital at Worcester, or whether the sale of that, and the erection of one or more new ones in other locations, are expedient. It would be a subject of regret should a very large outlay be deemed necessary for these two purposes in the present exhausted state of our treasury. Within about three years we have expended over six hundred thousand dollars in the construction of the Lunatic Hospital at Taunton, the Alien Pauper Almshouses, and the Enlargement of the State House.

Experience demonstrates, however, that it is truly the policy as well as the duty of the State to restrain its wayward, and educate its indigent, youth. The State Reform School for Boys has been abundantly blessed in its results; but its full capacity is now employed, while its field of usefulness is by no means occupied. Should circumstances seem to you to demand additional provision for this class of our youth, the establishment of a Nautical School upon the marine border of the State would be a wise extension of this plan of charity and discipline.

The deficiency of seamen in our national and merchant marine has long been deplored. The Secretary of the Navy, in his late Report, makes special allusion to this subject, recommending the establishment of the apprenticeship system, whose object "will be to make youth practical seamen, to teach them to become familiar with the duties:

of the sailor, the sacredness of obedience to orders, and to watch over their mental and moral training."

It is a matter of unceasing regret that to-day a very large proportion, if not a majority, of seamen in the American service are foreigners. Massachusetts, from her extensive commercial occupations, has a paramount interest in this matter. Such an institution would provide shelter, education, moral culture, and restraint for the class who need all these, and at the same time furnish employment, at a suitable age, in a vocation where it is not only in great demand, but is essential to commercial prosperity and national protection.

The Claim of Massachusetts against the General Government, amounting to \$227,176.48 for services performed and expenditures actually made to repel invasion, during the war of 1812, still remains unpaid. This large sum, one-third of which belongs to the State of Maine, was spent by us over forty years ago; and nearly twenty years since the Secretary of War, by direction of Congress, made an examination of its justice, and pronounced it valid, and due from the United States. Every similar claim from other States was paid many years ago. It is to be hoped that now, when the national treasury is overflowing, the justice of our demand will be fully recognized by the passage of the bill before Congress for its liquidation. Any special action on this matter is referred to your judgment.

The suit in equity, in favor of the Commonwealth, against the State of Rhode Island, to establish by a judicial decision the true boundary between the States, so long a subject of controversy and of fruitless negotiation, is still pending in the Supreme Court of the United States at

Washington. At the present term of the Court a rule has been entered, upon the motion of the Attorney-General of Massachusetts, requiring the State of Rhode Island to file its answer to the bill on or before the first day of the next term. It is to be hoped that the counsel of both parties will unite in urging to a speedy adjudication a cause of so much interest to the people of their respective States.

The two previous Legislatures passed Resolves, to cause to be copied and printed the old Records of Massachusetts. These papers are of great historic value, and were fast going to decay. The fidelity with which this work has so far been done merits warm encomiums. It is for you to consider if a labor so necessary shall be continued till our colonial archives are secured in a permanent and enduring form.

*Gentlemen :—*

Elevated to this high and honorable office by the suffrages of my fellow-citizens, I can only promise to bring to the performance of its duties my earnest efforts and honest desires. I know no safer index in official action than a conscientious conviction of duty—none more fluctuating than the attempt to satisfy temporary caprice. Principles are enduring; and if disregarded, sooner or later the verdict of condemnation will be recorded against those who are false to their requirements. Let us, then, be true to our country and our duty. Let the success of principle, not of party, be our desire—the benefit of the State, not of a faction, our aim.

I congratulate you that there is so much of encouragement in the past, so much of hope in the future. I have every confidence in your singleness of purpose and in the results of your legislation ; and I invoke the favor of the God of nations on your deliberations and your action, that they may be blessed to the benefit of our common constituency and our ancient Commonwealth.







